

PRIOR PENDING:

77608560

Argument: There should be no conflict resulting from the prior application for registration of the mark in this case, as the application was abandoned for failure to respond or late response. This mark is phonetically similar only in the first two syllables. This mark also has no corresponding logo. This application does not mention the class for Jewelry, which is our main business and focus. Although the applicant does indicate clothing and accessories specified as the main application of their brand, confusion with our brand is unlikely as website search engine terms such as “kiki” do not show our websites, and we have no brick and mortar retail locations. Similarly, searches for “Kiki Kannibal ” and “Kiki Kannibal Jewelry” return results related almost exclusively to our presence and brand on the world wide web. Based on these arguments, it is our opinion that this applicant (KIKI) would not be and has not been confused with our brand or trademark as applied for herein.

77413716

Argument: This mark is phonetically similar only in the first two syllables. Although the service mark applicant claims to be an online retail store selling similar items, confusion with our brand is unlikely as website search engine terms such as “kiki retail jewelry” show our website and not the website of the applicant. Similarly, searches for “Kiki Kannibal ” and “Kiki Kannibal Jewelry” return results related almost exclusively to our presence and brand on the world wide web. The applicant in this case describes their business as featuring “handbags, fine jewelry, women’s accessories, fragrances and gifts”. Our brand and online retail store do not offer handbags, fine jewelry, fragrances or gifts, and are therefore materially, demographically, and ideologically distinct. Our business Kiki Kannibal has produced costume jewelry and fashion oriented t-shirt apparel which is not aimed, or marketed at the same demographic. Based on the previous arguments, it is our opinion that this applicant (KIKI) would not be and has not been confused with our brand or trademark as applied for herein.

78711440

Argument: Case is suspended. This mark is phonetically similar only in the first two syllables. This application does not mention the class for Jewelry, which is one of our main businesses and focus. “KIKI SPORTS”, as stated in the application being compared, implies sports apparel. Kiki Kannibal has produced fashion oriented t-shirt apparel which is not aimed, or marketed at sports enthusiasts. Kiki Kannibal Corporation’s average customer is a male or female aged 12 – 25 who is interested in a fashion style called “scene, emo, or goth” which is at its core the anti-thesis of sports oriented products and markets . A search on the internet for “KIKI SPORTS” returns results for this applicant ranked at seventh on the web, while a sports handicapping website which is not related to retail jewelry or apparel ranks first through sixth. Kiki Kannibal does not appear in the said search results. Based on the previous arguments, it is our opinion that this applicant (KIKI SPORTS) would not be and has not been confused with our brand or trademark as applied for herein.

78978576

Argument: This mark is phonetically similar only in the first two syllables. This application does not mention the class for apparel which is one of our area of business focus. “KIKI DE MONTARNASSE”, as

stated in the application being compared, mentions erotic DVDs and motion pictures, cosmetics and personal care products, bedding, sexually related devices and figurines, art, books and photographs. Kiki Kannibal has produced fashion oriented t-shirt apparel and jewelry which is not aimed, or marketed as eroticism or to erotic enthusiasts. Kiki Kannibal Corporation does not participate in, cultivate or intend to expand into such markets at any time in the future.

A search of the internet for "KIKI DE MONTPARNASSE" returns results for this applicant only. Kiki Kannibal does not appear in the said search results. Based on the these arguments, it is our opinion that this applicant (KIKI DE MONTPARNASSE) would not be and has not been confused with our brand or trademark as applied for herein.

